

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOYCE JONAS,

Plaintiff,

vs.

No. CIV 09-0091 JB/WPL

BOARD OF COMMISSIONERS OF LUNA COUNTY,
LUNA COUNTY SHERIFF'S OFFICE,
DEPUTY SHERIFF DONNIE DANIELS,
and DEPUTY SHERIFF DON HOOLAN,

Defendants.

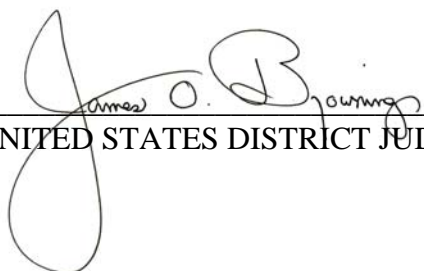
ORDER

THIS MATTER comes before the Court on the County Defendants' Motion in Limine No. IV: Exclusion of the Photographs Taken of 2530 Skyview After the Incident, filed February 25, 2010 (Doc. 58). The Court held a hearing on March 5, 2010. The primary issue is whether the Court should exclude, pre-trial, photographs of the residence at which the event occurred, taken after the events occurred. Plaintiff Joyce Jonas did not file a response to this motion and, at the hearing on the motion, Jonas' counsel consented to the Court granting this motion. See Transcript of Hearing at 22:13-19 (taken February 25, 2010)(Court, Mozes)("THE COURT: . . . I take it that I'm to grant that one Mr. Mozes? MR. MOZES: Yeah.");¹ D.N.M. LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). The Court will thus grant the motion.

IT IS ORDERED that the County Defendants' Motion in Limine No. IV: Exclusion of the

¹ The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Photographs Taken of 2530 Skyview After the Incident is granted.



UNITED STATES DISTRICT JUDGE

Counsel:

Michael E. Mozes
Albuquerque, New Mexico

Attorney for the Plaintiff

Erika E. Anderson
Robles, Rael & Anaya, P.C.
Albuquerque, New Mexico

Attorneys for the Defendants